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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF ARIZONA**

13 JAMES ARNETT,

15 vs.

17 BENJAMIN SNOW HOWARD, LIFELINE
18 MEDIA LLC, a Texas entity, NATIONWIDE
AFFORDABLE HOUSING, a Texas
corporation, and the BEN HOWARD TRUST,
19 an IDAHO TRUST,

Plaintiff,

21 Defendants.

CASE NO. CV-12-0311-TUC-DTF

OBJECTION TO AND MOTION TO
STRIKE PLAINTIFF'S "MOTION TO
FILE PRIMA FACIE EVIDENCE ON
DISC"

(Assigned to Magistrate Judge D.
Thomas Ferraro)

22 Defendants Benjamin Snow Howard ("Howard"), Lifeline Media LLC ("Lifeline"),
23 Nationwide Affordable Housing ("NAH"), and the Ben Howard Trust ("the Trust") object
24 to and request that the Court strike Plaintiff's "Motion to File Prima Facie Evidence on
25 Disc." Defendants' motion is based on Rule 7.2(m)(1) of the Local Rules of Civil
26 Procedure—specifically that Plaintiff's Motion is not authorized by any statute, rule, or
27 Court order. Plaintiff's Motion seeks to introduce evidence to the Court at an inappropriate
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1 time and in the wrong manner. The Court is not a repository for Plaintiff's evidence,
2 especially at the motion to dismiss stage of the litigation. “[P]ro se litigants are not excused
3 from following court rules.” *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 (9th Cir.
4 1997).

5 For these reasons, Defendants request that the Court either deny or strike Plaintiff's
6 Motion.

7 RESPECTFULLY SUBMITTED this 25th day of October, 2012.

9 **DAVIS MILES MC GUIRE GARDNER, PLLC**

11 By /s/ Scott F. Gibson

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1 CERTIFICATE OF SERVICE
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I hereby certify that on October 25, 2012, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing, mailed a copy via regular U.S. mail to the following, and transmitted a Notice of Electronic Filing to the following CM/ECF participants:

5 Magistrate Judge D. Thomas Ferraro
6 United States District Court
7 Evo A. DeConcini U.S. Courthouse
8 405 West Congress Street, Suite 6660
Tucson, AZ 85701

9 James Arnett
10 9288 N. Monmouth Court
11 Tucson, AZ 85742
Plaintiff Pro Per

12
13 /s/ Annette T. Hernandez
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